

REMARKS

Claim 90 is canceled, hence, claims 54-89 are all the claims pending in the application.
Claims 54, 63, 67, 70, 71, 72 and 85 are amended.

Claim Rejections - 35 U.S.C. § 112

Applicant cancels claim 90 and submits that the rejection of that claim under 35 U.S.C. § 112, first paragraph, in the final Office Action is moot.

Claim Rejections - 35 U.S.C. § 103

Claims 54-90 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Evain (XP002323574) in view of Kirk et al. (US 6,823,329), in the final Office Action. Claims 54, 63, 67, 70, 71, 72 and 85 are amended and Applicant respectfully submits that neither Evain nor Kirk, alone or in combination, renders the claims unpatentable.

Claim 85, for example, recites an index list structure that includes a fragment type field that contains an encoded value. The specification describes an embodiment in which fragment_type is an encoded value. See Table 2 and page 27. These encoded values, or codes, are defined in the present application for standard fragments that are frequently used in TV-Anytime Forum applications. See Table 3 (e.g. 0x01, 0x02, etc.). For example, code 0x01 corresponds to the fragment ProgramInformation, and code 0x02 corresponds to fragment GroupInformation. These single byte standard codes are used as the fragment_type in the fragment_descriptor structure (see Table 2) which is part of the key_index_list (see Table 1). By using these predetermined standard codes, the key_index does not need to include the entire fragment name or a pointer to the fragment name. By knowing the predefined association

between the standard codes and the frequently used fragment names, one can determine from a predetermined standard code the corresponding fragment name. Accordingly, the claimed invention can alleviate the need to include an XPath expression in a container carrying a key index structure or evaluate an XPath expression when using a predetermined standard code.

The specification also describes a feature that allows one of the predetermined codes (0xFF) to indicate that the fragment descriptor contains a pointer to an XPath expression for a fragment, allowing user defined fragments. See Table 2 and page 27.

Claim 85 is amended to recite that the encoded value can be a predetermined standard code, such as 0x01 in the above example, or it can be a predetermined location code, such as 0xFF. If the encoded value is a predetermined location code, such as 0xFF, then the index list structure contains a location of an expression specifying a location of the fragment. For example, if the encoded value is the predetermined location code 0xFF the `fragment_descriptor` contains a pointer to an XPath expression for the fragment.

In contrast, the Evain and Kirk references, even if combined as asserted in the final Office Action, to substitute using codes in place of fragment location expressions, would not satisfy all the limitations of claim 85. Neither Evain nor Kirk, alone or in combination, teach, suggest or otherwise provide a reason to modify Evain's metadata index structure (see Table 5 in 2.3.2 of Evain) to use as the `fragment_xpath_ptr` an encoded value that includes both a predetermined standard code and a predetermined location code. Kirk merely teaches the use of enumerated storage that stores an offset into a lookup table (e.g., "offset 1 = Texas", see Kirk, col. 2, lines 20-44), which allegedly corresponds to the predetermined standard code. Even if

Evain's index structure were modified to use Kirk's enumerated storage technique in place of Evain's `fragment_xpath_ptr`, that field would use the enumerated codes but would not also use the claimed predetermined location code.

Accordingly, it is respectfully submitted that Evain and Kirk, alone or in combination, do not render claim 85 unpatentable. Claims 86-89 contain by reference all the limitations of claim 85, and hence, are patentable for at least the same reasons.

Independent claims 54, 63, 67 and 70-72 are amended to recite a predetermined code that comprises a predetermined standard code assigned to said at least a part of the location information according to a convention for associating codes with portions of the metadata, and a predetermined location code indicating that the index structure contains a location of an expression specifying a location of a fragment. Accordingly, since neither Evain nor Kirk, alone or in combination, teach or suggest those claim limitations for the reasons discussed above, it is respectfully submitted that claims 54, 63, 67 and 70-72, and the claims that depend therefrom, are patentable over the prior art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/623,621

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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